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Right n. 17: The Right of the Trainer through Ownership

حق السائس بالملك

وأمَّا حَقُّ سَائِسِكَ بالمِلْكِ فَنَحْوٌ مِنْ سَائِسِكَ بالسُّلْطَانِ إلاّ أَنَّ هذَا يَمْلِكُ مَا لا يَمْلِكُهُ ذاكَ، تَلْزِمُكَ طَاعَتُهُ فِيمَا دَقَّ وَجَلَّ مِنْكَ إلاّ أَنْ تُخرِجَكَ مِنْ وُجُوب حَقِّ الله، ويَحُولَ بَينَكَ وبَيْنَ حَقِّهِ وَحُقُوقِ الخَلْقِ، فَإذَا قَضَيْتَهُ رَجَعْتَ إلَى حَقِّهِ فَتَشَاغَلْتَ بهِ. ولا قُوَّةَ إلاّ باللهِ.

And the right of him who trains you through[1] ownership[2] is similar to the right of the possessor of authority over you. Except this one has a right which that one does not: being that you are bound to obey him in every matter, whether small or great, except for what would lead you to abandon incumbent rights of God, or in what would intervene between you, his rights and the rights of the people. And once you fulfill them, you can commit yourself to his rights and engage in fulfilling them. And there is no power but in God.

What we can conclude from the words of Imam Sajjad is that he considers the rights of the master to be similar to those of the ruler. However, a master has an especial right that is incumbent upon the slave. This right is that the slave must obey his master. It is proper at this point to discuss the origins of slavery and its roots. Of course, here the question of ownership is discussed not just slavery.

The History of Slavery

It is not exactly clear when in history slavery originated, and various ideas have been expressed regarding its roots. Montesquieu has said the following regarding the factors which contribute to the appearance of slavery as follows:

1 – International rights made it a requirement for prisoners of war to be considered as slaves to be immune from being killed.

2 – In the Roman civil law people were allowed to sell those people who owed them money but could not pay back their debts. Another option for those who could not pay back their debts was to turn themselves into a slave for the one who had given them the loan.

3 – The laws of nature make the son of a slave to be considered a slave. This is because a child is subject to the same conditions as his father is.

4 – The right to slavery is rooted in the humiliation of one nation by another one, due to differences in their customs and habits.

5 – The main root of slavery is the simultaneous existence of the weak and the strong people in the human societies accompanied by an inclination towards oppression and exploitation.

Then he continues with the following:

Aristotle tried to prove that slavery existed, and will continue to exist naturally. This implies that God has created some people to be slaves for other people. If we accept what this philosopher claims and consider slavery to be a natural phenomenon, then any attempts to free slaves would be opposed to nature and useless. The above is a brief expression of the roots of slavery as expressed by Montesquieu in Ruh ul-Qawanin.[3]

Islam's Point of View on Slavery

According to Islam and opposed to Aristotle's views, man is born free and slavery is not a natural phenomenon. Imam Ali said:

النّاسُ كُلُّهُم أحْرارٌ إلاّ مَن أَقَرَّ عَلى نَفْسِهِ بِالعُبودِيَّةِ.

"All people are born free except for those who (wrongfully) declare themselves to be slaves."[4]

He also said:

لا تَكُنْ عَبْدَ غَيرِكَ وَقَد جَعَلَكَ اللهُ حق السائس بالملك حُرّاً.

"Do not be slaves for others since God has established you to be free."[5]

These were the words of Imam Ali who was himself a hero and the most freedom-loving man. He expressed the fact that man is born free, and it is only due to some external factors that some people

become slaves. This condition is also not a permanent condition. The author of The History of Rome expressed the viewpoints of Romans about slaves as follows. “According to the law, a slave is not a person, but just a tool which can talk but has no rights.”[6]

Montesquieu wrote: “In Plato’s law it was expressed that a slave does not have the natural right to self-defense. This law stripped a slave from his natural right to self-defense if he was attacked. At the same time, he was also not given any civil rights to defend himself. Therefore, he could not even go to court and file a complaint if he was attacked. In Spartan, the slaves could not file a complaint in court if they were hurt. These slaves were so desperate that they were considered not just one person’s slave but slaves to the society.[7]

How Sick Can You Be

One of the main entertaining events for the noble Roman men was to collect the poor slaves in an arena where hungry beasts like tigers and lions were let loose to attack them. They would then laugh their hearts out once the slaves started their cries and their shouting because of being torn apart by the beasts. They also used to have fun by making two groups of slaves fight with each other with swords.

When they were wounded and bloody, these noble men would get entertained. Should anyone of the slaves refuse to participate in such terrible events, then he would be torn into pieces by the wild soldiers that stood around the arena. Another source of entertainment for the nobler Romans was to force their slaves to put their hands inside cylindrical containers filled with bees and scorpions. Then once their faces turned color due to being bit, their masters would get pleased and laugh.[8]

In another part, the author of The History of Rome writes the following regarding the conditions of slaves in that country: “Slaves must just do the hard work just like animals do. They should clean the trench, pave the roads, weed out the thorns, shovel the gardens, chop off useless plants, thresh the wheat, and clean the toilets. If anyone of the slaves failed to do his duties, he was seriously punished. He was either beaten up or chained down, or tied to the wheels in a mill instead of a horse, and forced to drive it to grind. Alternatively, he was used to dig mines, or imprisoned in dark and humid basements. Animals had days off on holidays, but slaves did not.[9]

The Gradual Freedom of Slaves by Islam

It is clearly recorded in history that Islam fought slavery, and gradually freed slaves. It might be asked why this was done gradually, and why Islam did not free slaves all at once. To answer this question we must realize that at the advent of Islam in the Age of Ignorance in Arabia, slavery was one of the main principles of the economy, and the continuation of trade and even the living of many depended on it. It was neither possible nor practical for the Prophet Muhammad who founded Islam to suddenly abolish slavery.

The economic order of the society would have been seriously affected. In addition, owners were not willing to free their slaves. There were many lazy people who earned their living by means of using the slaves. In order to abolish slavery, Islam first clarified the rewards for hard work, and the wickedness of laziness. Once working was considered a form of worship, and everybody was said to have the right to benefit from the results of his own work, then it was understood that being lazy is not good and everyone should benefit from his own work.

Another possibility that existed if Islam freed the slaves all at once, was that they might have rebelled and caused a bloody revolution since they had been oppressed for a long time. This would have breached social security. There are similar cases cited in history. Montesquieu has stated the following regarding the possible harms of a collective and simultaneous freeing of a group of slaves: “It is not wise to establish a law to free a large number of slaves as this would cause social disorder.”

He cited the following cases as evidence to support his statement: “As an example of this danger, we can consider Velicini where the large number of freed slaves got the right to vote and achieved the majority. Then they established a law according to which whenever one of the previous free men married a woman, one of the freed slaves should sleep with the bride on the first night of the wedding and submit her to the groom the next night.[10]

Consider what Gustav Lubon stated as the third reason. “Slaves lived under especial conditions for a very long time. Because of this, they had a different style of living than the free people. Therefore, they were raised lacking any experience or aptitude. Thus, we can state that they would not have been able to set up an independent life on their own due to their lack of experience and talent, if they were all simultaneously freed by Islam. They would have had conditions similar to those slaves who were freed in America, and their lives would have been totally ruined.[11]

We might present the above as reasons for Islam not simultaneously freeing slaves. Rather the means for their freedom were established gradually. Now let us consider the means provided by Islam to allow for their freedom. We will first consider the legal aspects expressed in Islamic jurisprudence and then consider the moral aspects.

Ways to Free Slaves: Jurisprudential Aspects

Islamic jurisprudence established the following ways to free the slaves:

1) Contract

A contract could be drawn according to which the slave would be freed after he paid a certain amount of money to his master. Should he fail to do so, it was incumbent upon the religious leader to pay to free him.

2) Will

A master could will that his slave be freed after his own demise.

3) Ownership of Blood Relatives

If anyone becomes the owner of his own father, mother, grandfather, grandmother, child, grandchild, sister, paternal aunt, maternal aunt, or nephew, he would instantly free them.

4) Partial Freedom

If anyone frees a slave partially, the slave will be totally freed.

5) Giving Birth to a Master's Child

If a slave woman gets pregnant by her master and delivers his child, then she will be freed.

6) Accepting Islam before the Master

If a slave accepts Islam before his master does, he would be freed.

7) Physical Harm

If a master chops off his slaves ear or nose or any other organs, then the slave will be freed.

8) Physical Ailment

If any slave gets blind, suffers from leprosy, or crippled then he will be freed, and his sustenance will be provided by the state.

9) Death of a Master without any Inheritors

If a rich master who has no one to inherit his wealth should die, then the slave would be purchased using the property left behind and thereby freed. The freed slave will inherit the rest of the master's wealth left behind.

10) A Believing Slave Serves his Master for Seven Years

There is a chapter in Wasa`il al-Sh`ah with many traditions. What we can conclude from these traditions is that a believing slave would be freed after seven years of serving his master.

11) Using the Alms Tax

One of the eight allowable ways to spend the alms tax is to purchase slaves in order to free them.

12) As Expiation

There is expiation for various acts such as intentionally breaking one's fast, or unintentional murder, or not adhering to one's pledge, oath or bet, etc. One of the ways of such expiation is to free slaves.[12]

Ways to Free Slaves: Practical and Moral Aspects

Islam has provided practical and moral means for the freedom of slaves. We could look at the life and the practices of the Noble Prophet of Islam and the Immaculate Imams as an example. There are recorded facts in history. The Prophet of Islam himself freed slaves such as Zayd ibn Haritheh. Then the Muslims followed his example and freed slaves.

In addition to freeing Zayd ibn Haritheh, the Prophet Muhammad married off the daughter of Jahsh to him, and they lived together for a while. Then the Prophet Mohammad appointed Zayd's son called Usama ibn Zayd as the chief of the army, and ruled that all the noble men both from among the immigrants and their helpers should obey him.

Imam Ali used his own income to free one thousand slaves.[13] Georgi Zaydan wrote: "Abdullah ibn Uman freed one thousand slaves and Muhammad ibn Suleiman freed seventy thousand slave men and women."[14]

Moral Recommendations

By establishing divine rewards for the Hereafter, Islam encouraged Muslims to free their slaves. The Holy Qur'an states:

أَلَمْ نَجْعَلْ لَهُ عَيْنَيْنِ وَلِسَانًا وَشَفَتَيْنِ وَهَدَيْنَاهُ النَّجْدَيْنِ فَلَا اقْتَحَمَ الْعَقَبَةَ وَمَا أَدْرَاكَ مَا الْعَقَبَةُ فَكُّ رَقَبَةٍ أَوْ إِطْعَامٌ فِي يَوْمٍ ذِي مَسْغَبَةٍ يَتِيمًا ذَا مَقْرَبَةٍ أَوْ مِسْكِينًا ذَا مَتْرَبَةٍ

***"Have We not made for him a pair of eyes? And a tongue, and a pair of lips? And shown him the two highways? But he hath made no haste on the path that is steep. And what will explain to thee the path that is steep?* (*It is*) *freeing the bondman; or the giving of food in a day of privation to the orphan with claims of relationship, or to the indigent* (*down*) *in the dust."* [*The Holy Qur'an, al-Balad 90:8-16*]**

The Prophet of Islam said:

"God will save from the Fire of Hell the organs of whoever frees a Muslim slave: An organ for an organ."

The eighth Imam said:

“God will save from the Fire – an organ for an organ of – whoever frees a slave.”

Finally we should remark that the words expressed by Imam Sajjad regarding the rights of the master incumbent upon the slave are related to the period of time that he is still not freed. This subject is extensive, but we will suffice to this much for now.

1. In the other version it is followed by: ”property is that you should obey him and not disobey him, unless obeying him would displease God, for there can be no obedience to a creature when it is disobedience to God.”
2. You are his slave.
3. Ruh al-Qawanin, pp.308-413.
4. Islam and Human rights, (Persian text), p.198.
5. Nahjul Balaghah, letter no.31.
6. Islam and Human Rights, (Persian text), p.200, quoted from The History of Rome, p.149.
7. Ruh al-Qawanin, p.426.
8. Islam and Human Rights (Persian text), p.201, quoted from The History of Social Developments, v.1, p.39.
9. Ibid. p.210, quoted from The History of Rome, p.150.
10. Ruh al-Qawanin, p.428.
11. The History of Islamic and Arab Civilization, (Persian text), p.467.
12. Islam and Human Rights (Persian text), p.219, quoted from books on jurisprudence such as Jawahir, Shara’i, and Wasa’il al-Shi’ah.
13. Safinah al-Bihar, v.2, article on “Ettagh”.
14. The History of Islamic Civilization (Persian text), p.684.

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